

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CASE NOS. 5:15cv57-RLV; 3:15CV211-RLV**

ROMONA WINEBARGER,)
And REX WINEBARGER,)
Plaintiffs,)
)
v.)
)
BOSTON SCIENTIFIC)
CORPORATION,)
Defendant.)

MARTHA CARLSON,)
Plaintiffs,)
)
v.)
)
BOSTON SCIENTIFIC)
CORPORATION,)
Defendant.)

**DEFENDANT BOSTON SCIENTIFIC CORPORATION'S
DEPOSITION COUNTER DESIGNATIONS AND OBJECTIONS
TO PLAINTIFFS' COUNTER DESIGNATIONS AND EXHIBITS**

Defendant Boston Scientific Corporation ("Boston Scientific") hereby submits its deposition counters designations and objections to Plaintiffs' counter designations and exhibits for the above-referenced cases. Boston Scientific incorporates by reference its objections and counter designations to any exhibits and/or testimony previously designated by Plaintiffs in this matter. Boston Scientific reserves the right to amend, supplement, or withdraw its designations at any time before or during trial. Furthermore, Boston Scientific reserves the right to amend, supplement, or withdraw its designations subject to the Court's rulings on evidentiary matters in

the above-referenced cases including, but not limited to, motions *in limine*. Boston Scientific also reserves the right to object to any documents or testimony that Plaintiffs may offer at trial.

GENERAL OBJECTIONS

OBJECTION NO. 1: Boston Scientific generally objects to Plaintiffs designating testimony from regulatory affairs witnesses Michelle Berry and Robert Miragliuolo while – at the same time – objecting to any evidence regarding regulatory background and references to the FDA.¹ Without the appropriate regulatory context, specifically evidence relating to Boston Scientific’s interactions and communications with the FDA, Plaintiffs’ designations from regulatory affairs witnesses are misleading, confusing, and unduly prejudicial under Fed. R. Evid. 403.

OBJECTION NO. 2: Boston Scientific generally objects to Plaintiffs’ use of deposition testimony and exhibits regarding the medical application caution statement contained in the Marlex Material Safety Data Sheet ("MSDS") on grounds that it is irrelevant, unduly prejudicial, misleading, and will cause confusion under Fed. R. Evid. 401, 402, and 403. Notwithstanding these objections, if the Court admits evidence regarding the medical application caution statement contained in the MSDS, the Court should also permit Boston Scientific to offer into evidence its communications with the FDA regarding the medical application caution statement at issue in this litigation.

OBJECTION NO. 3: Boston Scientific generally objects to Plaintiffs’ designation of failure to warn testimony because it will be irrelevant and unduly prejudicial as to the *Carlson* Case. Because all failure to warn evidence is irrelevant to Ms. Carlson’s case, any evidence that Ms. Winebarger wishes to present on the adequacy of Boston Scientific’s warnings or Boston Scientific’s alleged negligence in creating those warnings will be irrelevant and misleading to

¹ See, e.g., (DE No. 141 at 3).

jurors who must render a verdict only on Ms. Carlson's design defect and other surviving claims.² Accordingly, Boston Scientific objects to all failure to warn evidence on grounds that it is irrelevant, misleading, confusing, and unduly prejudicial under Fed. R. Evid. 401, 402, and 403.

OBJECTION NO. 4: Boston Scientific generally objects to Plaintiffs' use of testimony from Mr. James Goddard's deposition on February 18, 2015, because it was not previously designated by any party in this action, falls outside the scope of any issue raised by Boston Scientific in its deposition designations, and involves a product not at issue in this litigation. Furthermore, Boston Scientific generally objects because the counsel who sought testimony on the topic designated by Plaintiffs did not finish, and held the deposition open such that Boston Scientific did not have opportunity to re-direct Mr. Goddard regarding this topic. For these reasons, Boston Scientific generally objects to Plaintiffs' proffered designations from Mr. James Goddard's deposition on February 18, 2015.

OBJECTION NO. 5: Boston Scientific generally objects to Plaintiffs' use of testimony from Dr. Roger Goldberg's deposition on January 9, 2015, because it was not previously designated by any party in this action and falls outside the scope of any issue raised by Boston Scientific in its deposition designations. For these reasons, Boston Scientific generally objects to Plaintiffs' proffered designations from Dr. Roger Goldberg's deposition on January 9, 2015.

² For further discussion on this issue, see (DE No. 133 at 12-14).

OBJECTIONS AND COUNTER DESIGNATIONS

Defendant's Objections to Plaintiffs' Counter Designations of Janice Connor		
Date of Deposition	Disputed Testimony	Basis for Defendant's Objection
3/11/15	96:3-18	Outside scope of BSC designations, Irrelevant (401/402), Misleading (403), Cause Confusion (403), Unduly Prejudicial (403), Calls for speculation (602), Witness lacks foundation
	104:24-105:2	Outside scope of BSC designations, Irrelevant (401/402), Misleading (403), Cause Confusion (403), Unduly Prejudicial (403), Calls for speculation (602), Witness lacks foundation
	256:13-21	Completeness Objection (106): add testimony 256:13-21 to designation 255:2-256:12
4/21/15	385:18-23	BSC objects to exhibit 1323 as: Irrelevant (401/402) (postdates implant), Misleading (403), Unduly Prejudicial (403), Cause Confusion (403), Inadmissible for the reasons stated in Defendant's Motions in Limine
	386:25-388:11	Irrelevant (401/402) (postdates implant), Misleading (403), Unduly Prejudicial (403), Cause Confusion (403), Inadmissible for the reasons stated in Defendant's Motions in Limine, Implicates product not at issue in this litigation
	388:12-389:18	Completeness Objection (106): Subject to objections, add testimony 388:12-389:18 to designation 386:25-388:11
	392:14-393:16	Irrelevant (401/402) (postdates implant), Misleading (403), Unduly Prejudicial (403), Cause Confusion (403), Inadmissible for the reasons stated in Defendant's Motions in Limine, Implicates product not at issue in this litigation
	396:10-13	Irrelevant (401/402) (postdates implant), Misleading (403), Unduly Prejudicial (403), Cause Confusion (403), Inadmissible for the reasons stated in Defendant's Motions in Limine, Implicates product not at issue in this litigation
	396:24-397:17	Completeness Objection (106): Subject to objections, add testimony 396:24-397:17 to designation 396:10-13

Defendant's Objections to Plaintiffs' Counter Designations of Janice Connor		
	401:4-21	Irrelevant (401/402) (postdates implant), Misleading (403), Unduly Prejudicial (403), Cause Confusion (403), Inadmissible for the reasons stated in Defendant's Motions in Limine, Implicates product not at issue in this litigation
	401:22-402:17	Completeness Objection (106): Subject to objections, add 401:22-402:17 to designation 401:4-21
Boston Scientific objects to the use of Exhibit 1323, which is included in Plaintiffs' designated deposition testimony of Janice Connor.		

Defendant's Counter Designations to Plaintiffs' Counter Designations of Janice Connor	
Date of Deposition	Defendant's Counter Designated Testimony
3/11/15	255:2-7
	256:13-21
4/21/15	388:12-389:18
	396:24-397:17
	401:22-403:3
	576:2-577:10

Defendant's Objections to Plaintiffs' Counter Designations of Carolyn M. Coryell, MD		
Date of Deposition	Disputed Testimony	Basis for Defendant's Objection
10/17/14	21:20-22:15 23:20-23:25	Irrelevant and is inadmissible for the reasons set forth in Defendant's Motions in Limine. Without waiving these objections, Defendant further objects to this testimony as incomplete pursuant FRE 106 and requests that testimony 28:1-5 (objection omitted), 89:3-9, and 89:17-90:10 be added to counter designations 21:20-22:15 and 23:20-23:25. If this testimony is allowed, add to counter designations: 28:1-5 (objection omitted), 89:3-9, and 89:17-90:10.
	29:15-29:18	Irrelevant and is inadmissible for the reasons set forth in Defendant's Motions in Limine. Without waiving these objections, Defendant further objects to this testimony as incomplete pursuant FRE 106 and requests that testimony 28:10-29:14 and 29:23-25 be added to counter designations 29:15-29:18. If this testimony is allowed, add to counter designations: 28:10-29:14 and 29:23-25.
	79:9-80:8	Irrelevant, speculation, lack of foundation, and is inadmissible for the reasons set forth in Defendant's Motions in Limine. Without waiving these objections, Defendant further objects to this testimony as incomplete pursuant FRE 106 and requests that testimony 49:5-10 (objection omitted) be added to counter designations 79:9-80:8. If this testimony is allowed, add to counter designations: 49:5-10 (objection omitted).
	73:15-73:17 80:24-81:4	Irrelevant, speculation, lack of foundation, and is inadmissible for the reasons set forth in Defendant's Motions in Limine.
	76:20-77:5	Irrelevant, speculation, lack of foundation, and is inadmissible for the reasons set forth in Defendant's Motions in Limine.

Defendant's Objections to Plaintiffs' Counter Designations of James Goddard.		
Date of Deposition	Disputed Testimony	Basis for Defendant's Objection
3/28/13	63:20-64:3	Outside scope of BSC affirmative designations, Irrelevant (401/402), Cause Confusion (403), Misleading (403)
	68:9-14	Outside scope of BSC affirmative designations, Irrelevant (401/402), Unduly Prejudicial (403), Misleading (403), Cause Confusion (403), Inadmissible for the reasons stated in Defendant's Motions in Limine.
	178:17-179:1	Object to Exhibit 45 as: Outside scope of BSC affirmative designations, Irrelevant (401/402), Unduly Prejudicial (403), Misleading (403), Cause Confusion (403), Inadmissible for the reasons stated in Defendant's Motions in Limine.
2/18/15	321:15-322:3	Outside scope of BSC designations, Irrelevant (401/402), Misleading (403), Unduly Prejudicial (403), Cause Confusion (403)
	328:9-11	BSC objects to exhibit 47 as: Outside scope of BSC designations, Irrelevant (401/402), Misleading (403), Unduly Prejudicial (403), Cause Confusion (403), Inadmissible for the reasons stated in Defendant's Motions in Limine.
	330:1-331:2	Outside scope of BSC designations, Irrelevant (401/402), Misleading (403), Unduly Prejudicial (403), Cause Confusion (403), Inadmissible for the reasons stated in Defendant's Motions in Limine.
	331:3-334:14	Completeness Objection (106): Subject to objections, add testimony 331:3-334:14 to designation 330:1-331:2
	334:15-20	Outside scope of BSC designations, Irrelevant (401/402), Misleading (403), Unduly Prejudicial (403), Cause Confusion (403), Inadmissible for the reasons stated in Defendant's Motions in Limine.
	334:23-335:17	Outside scope of BSC designations, Irrelevant (401/402), Misleading (403), Unduly Prejudicial (403), Cause Confusion (403), Inadmissible for the reasons stated in Defendant's Motions in Limine.

Defendant's Objections to Plaintiffs' Counter Designations of James Goddard.		
	337:9-339:25	Outside scope of BSC designations, Calls for speculation (602), Irrelevant (401/402), Misleading (403), Unduly Prejudicial (403), Cause Confusion (403), Inadmissible for the reasons stated in Defendant's Motions in Limine.
	340:1-20	Outside scope of BSC designations, Irrelevant (401/402), Misleading (403), Unduly Prejudicial (403), Cause Confusion (403), Inadmissible for the reasons stated in Defendant's Motions in Limine.
Boston Scientific objects to the use of Exhibits 45 and 47, which are included in Plaintiffs' designated deposition testimony of James Goddard.		

Defendant's Counter Designations to Plaintiffs' Counter Designations of James Goddard.	
Date of Deposition	Defendant's Counter Designated Testimony
2/18/15	333:8-15
	333:19-334:12
	336:2-15
	340:21-342:1
	342:23-343:19
	344:7-19
5/1/15	217:20-218:21
	219:3-24
	220:2-221:9
	221:15-222:6
	222:8-223:10
	231:17-232:15
	232:18-234:4
	234:11-14
	234:17-235:3

Defendant's Objections to Plaintiffs' Counter Designations of Roger Goldberg, M.D.		
Date of Deposition	Disputed Testimony	Basis for Defendant's Objection
12/13/13	485:12-487:10	Irrelevant (401/402), Cause Confusion (403), Inadmissible for the reasons stated in Defendant's Motions in Limine
	487:11-488:6	Irrelevant (401/402), Misleading (403), Cause Confusion (403), Unduly Prejudicial (403)
	488:7-488:13	Object to exhibit 839 as: Irrelevant (401/402), Misleading (403), Cause Confusion (403), Unduly Prejudicial (403)
	492:2-493:1	Irrelevant (401/402), Misleading (403), Cause Confusion (403), Unduly Prejudicial (403), Inadmissible for the reasons stated in Defendant's Motions in Limine.
	493:2-495:18	Object to exhibit 840 as: Irrelevant (401/402), Misleading (403), Cause Confusion (403), Unduly Prejudicial (403), Inadmissible for the reasons stated in Defendant's Motions in Limine.
1/9/15	83:1-21	Outside scope of BSC designations, Irrelevant (401/402), Unduly Prejudicial (403), Cause Confusion (403), Misleading (403), Inadmissible for the reasons stated in Defendant's Motions in Limine.
	87:5-21	Outside scope of BSC designations, Irrelevant (401/402), Unduly Prejudicial (403), Cause Confusion (403), Misleading (403), Inadmissible for the reasons stated in Defendant's Motions in Limine.
	128:23-129:20	Irrelevant (401/402), Cause Confusion (403), Misleading (403)
Boston Scientific objects to the use of Exhibits 839 and 840, which are included in Plaintiffs' designated deposition testimony of Roger Goldberg, M.D.		

Defendant's Counter Designations to Plaintiffs' Counter Designations of Roger Goldberg, M.D.	
Date of Deposition	Defendant's Counter Designated Testimony
1/9/15	84:21-85:23

Defendant's Objections to Plaintiffs' Counter Designations of Alfred Intoccia, Jr.		
Date of Deposition	Disputed Testimony	Basis for Defendant's Objection
07/31/13	125:21-24	Object to exhibit 465 as: Outside scope of BSC affirmative designations, Irrelevant (401/402), Cause Confusion (403), Unduly Prejudicial (403), Inadmissible for the reasons stated in Defendant's Motions in Limine.
	127:5-15	Outside scope of BSC affirmative designations, Irrelevant (401/402), Cause Confusion (403), Unduly Prejudicial (403), Inadmissible for the reasons stated in Defendant's Motions in Limine.
	128:4-10	Outside scope of BSC affirmative designations, Irrelevant (401/402), Cause Confusion (403), Unduly Prejudicial (403), Inadmissible for the reasons stated in Defendant's Motions in Limine.
	133:13-17	Outside scope of BSC affirmative designations, Irrelevant (401/402), Cause Confusion (403), Unduly Prejudicial (403), Inadmissible for the reasons stated in Defendant's Motions in Limine.
	133:18-134:1	Completeness Objection (106): Subject to objections, add testimony 133:18-134:1 to designation 133:13-17
	134:4-8	Outside scope of BSC affirmative designations, Irrelevant (401/402), Cause Confusion (403), Unduly Prejudicial (403), Inadmissible for the reasons stated in Defendant's Motions in Limine.
	134:9	Completeness Objection (106): Subject to objections, add testimony 134:9 to designation 134:4-8
Boston Scientific objects to the use of Exhibit 465, which is included in Plaintiffs' designated deposition testimony of Alfred Intoccia, Jr.		

Defendant's Counter Designations to Plaintiffs' Counter Designations of Alfred Intoccia, Jr.	
Date of Deposition	Defendant's Counter Designated Testimony
07/31/13	129:17-131:16
	133:18-134:1

Defendant's Objections to Plaintiffs' Counter Designations of Michael J. Kennelly, MD		
Date of Deposition	Disputed Testimony	Basis for Defendant's Objection
July 2, 2014	168:8 – 168:12	Irrelevant whether he knew given there is no failure to warn claim. If allowed, add to counter designations: 194:20-195:17; 195:19-21; 195:23 – 196:19; 196:21; 196:23-25; 197:3-4; 197:6; 197:8-9
	166:4 – 168:1	Irrelevant whether he knew given there is no failure to warn claim. If allowed, add to counter designations: 198:4-23; 199:1-8; 199:11-14; 199:17-20; 199:24 – 200:24; 201:1-2; 201:4-7; 201:10-11; 201:13-22; 201:24; 202:1-10; 202:13; 202:16
	170:7 – 171:17	Irrelevant given failure no to warn claim. If allowed, add to counter designations: 207:21 – 208:18; 208:20; 208: 22 – 209:3
	175:14 – 176:11	Objection to 175:24 – 176:11. Irrelevant given no failure to warn claim. If allowed, add to counter designations: 207:21 – 208:18; 208:20; 208: 22 – 209:3

Defendant's Objections to Plaintiffs' Counter Designations of Todd McCaslin		
Date of Deposition	Disputed Testimony	Basis for Defendant's Objection
1/30/14	29:16-19	Irrelevant (401/402), postdates Plaintiffs' implantation (later-procured resin not used in Plaintiffs' mesh), Inadmissible for the reasons stated in Defendant's Motions in Limine.
	31:22-24	Irrelevant (401/402), postdates Plaintiffs' implantation (later-procured resin not used in Plaintiffs' mesh), Inadmissible for the reasons stated in Defendant's Motions in Limine.
	40:5-10	Object to Exhibit 320 as: Irrelevant (401/402), postdates Plaintiffs' implantation (later-procured resin not used in Plaintiffs' mesh), Inadmissible for the reasons stated in Defendant's Motions in Limine.
	41:21-43:19	Irrelevant (401/402), Misleading (403), Unduly Prejudicial (403), Cause Confusion (403), Calls for Speculation (602), Inadmissible for the reasons stated in Defendant's Motions in Limine, postdates Plaintiffs' implantation (later-procured resin not used in Plaintiffs' mesh).
	45:4-46:11	Irrelevant (401/402), Misleading (403), Unduly Prejudicial (403), Cause Confusion (403), Inadmissible for the reasons stated in Defendant's Motions in Limine, postdates Plaintiffs' implantation (later-procured resin not used in Plaintiffs' mesh).
	48:7-12	Irrelevant (401/402), Misleading (403), Unduly Prejudicial (403), Cause Confusion (403), Inadmissible for the reasons stated in Defendant's Motions in Limine, postdates Plaintiffs' implantation (later-procured resin not used in Plaintiffs' mesh).
	48:24-49:6	Irrelevant (401/402), Misleading (403), Unduly Prejudicial (403), Cause Confusion (403), Inadmissible for the reasons stated in Defendant's Motions in Limine, postdates Plaintiffs' implantation (later-procured resin not used in Plaintiffs' mesh).

Defendant's Objections to Plaintiffs' Counter Designations of Todd McCaslin		
	51:7-14	Irrelevant (401/402), Misleading (403), Unduly Prejudicial (403), Cause Confusion (403), Inadmissible for the reasons stated in Defendant's Motions in Limine, postdates Plaintiffs' implantation (later-procured resin not used in Plaintiffs' mesh).
	51:22-52:6	Irrelevant (401/402), Misleading (403), Unduly Prejudicial (403), Cause Confusion (403), Inadmissible for the reasons stated in Defendant's Motions in Limine, postdates Plaintiffs' implantation (later-procured resin not used in Plaintiffs' mesh).
	52:19-53:2	Irrelevant (401/402), Misleading (403), Unduly Prejudicial (403), Cause Confusion (403), Inadmissible for the reasons stated in Defendant's Motions in Limine, postdates Plaintiffs' implantation (later-procured resin not used in Plaintiffs' mesh).
	53:21-54:9	Irrelevant (401/402), Misleading (403), Unduly Prejudicial (403), Cause Confusion (403), Inadmissible for the reasons stated in Defendant's Motions in Limine, postdates Plaintiffs' implantation (later-procured resin not used in Plaintiffs' mesh).
	59:2-9	Object to Exhibit 942 as: Irrelevant (401/402), Misleading (403), Unduly Prejudicial (403), Cause Confusion (403), Inadmissible for the reasons stated in Defendant's Motions in Limine, postdates Plaintiffs' implantation (later-procured resin not used in Plaintiffs' mesh).
	60:12-14	Irrelevant (401/402), Misleading (403), Unduly Prejudicial (403), Cause Confusion (403), Inadmissible for the reasons stated in Defendant's Motions in Limine, postdates Plaintiffs' implantation (later-procured resin not used in Plaintiffs' mesh).
	60:15-62:20	Completeness Objection (106): Subject to objections, add testimony 60:15-62:20 to designation 60:12-14

Defendant's Objections to Plaintiffs' Counter Designations of Todd McCaslin		
	62:21-64:17	Irrelevant (401/402), Misleading (403), Unduly Prejudicial (403), Cause Confusion (403), Inadmissible for the reasons stated in Defendant's Motions in Limine, postdates Plaintiffs' implantation (later-procured resin not used in Plaintiffs' mesh).
	69:2-7	Object to Exhibit 943 as: Irrelevant (401/402), Misleading (403), Unduly Prejudicial (403), Cause Confusion (403), Inadmissible for the reasons stated in Defendant's Motions in Limine, postdates Plaintiffs' implantation (later-procured resin not used in Plaintiffs' mesh).
	69:18-23	Irrelevant (401/402), Misleading (403), Unduly Prejudicial (403), Cause Confusion (403), Inadmissible for the reasons stated in Defendant's Motions in Limine, postdates Plaintiffs' implantation (later-procured resin not used in Plaintiffs' mesh).
	70:11-23	Irrelevant (401/402), Misleading (403), Unduly Prejudicial (403), Cause Confusion (403), Inadmissible for the reasons stated in Defendant's Motions in Limine, postdates Plaintiffs' implantation (later-procured resin not used in Plaintiffs' mesh).
	71:9-72:6	Irrelevant (401/402), Misleading (403), Unduly Prejudicial (403), Cause Confusion (403), Inadmissible for the reasons stated in Defendant's Motions in Limine, postdates Plaintiffs' implantation (later-procured resin not used in Plaintiffs' mesh).
	72:12-14	Irrelevant (401/402), Misleading (403), Unduly Prejudicial (403), Cause Confusion (403), Inadmissible for the reasons stated in Defendant's Motions in Limine, postdates Plaintiffs' implantation (later-procured resin not used in Plaintiffs' mesh).
Boston Scientific objects to the use of Exhibits 320, 942, and 943, which are included in Plaintiffs' designated deposition testimony of Todd McCaslin.		

Defendant's Counter Designations to Plaintiffs' Counter Designations of Todd McCaslin	
Date of Deposition	Defendant's Counter Designated Testimony
1/30/14	60:12-62:9
	62:15-20

Defendant's Objections to Plaintiffs' Counter Designations of Dennis Miller, M.D.		
Date of Deposition	Disputed Testimony	Basis for Defendant's Objection
5/23/14	568:23-569:4	Object to exhibit 775 as: Outside the scope of BSC designations, Irrelevant (401/402) (Carlson), Implicates FTW issue (Carlson), Misleading (403), Cause Confusion (403), Unduly Prejudicial (403), Inadmissible for the reasons stated in Defendant's Motions in Limine
	570:8-21	Outside the scope of BSC designations, Irrelevant (401/402) (Carlson), Implicates FTW issue (Carlson), Misleading (403), Cause Confusion (403), Unduly Prejudicial (403), Inadmissible for the reasons stated in Defendant's Motions in Limine
	571:7-23	Outside the scope of BSC affirmative designations, Irrelevant (401/402), Implicates FTW issue (Carlson), Misleading (403), Cause Confusion (403), Unduly Prejudicial (403), Inadmissible for the reasons stated in Defendant's Motions in Limine
	572:4-10	Completeness Objection (106:) Subject to objections, add testimony 572:4-10 to designation 572:13:573:7
	572:12-573:7	Outside the scope of BSC affirmative designations, Irrelevant (401/402), Implicates FTW issue (Carlson), Misleading (403), Cause Confusion (403), Unduly Prejudicial (403), Inadmissible for the reasons stated in Defendant's Motions in Limine
	573:9-574:21	Completeness Objection (106): Subject to objections, add testimony 573:9-574:21 to designation 572:13:573:7
	574:24-575:16	Outside the scope of BSC affirmative designations, Irrelevant (401/402), Implicates FTW issue (Carlson), Needlessly Cumulative (403), Misleading (403), Cause Confusion (403), Unduly Prejudicial (403), Inadmissible for the reasons stated in Defendant's Motions in Limine
	577:24-578:13	Completeness Objection (106): Subject to objections, add testimony 577:24-578:13 to designation 578:14-16

Defendant's Objections to Plaintiffs' Counter Designations of Dennis Miller, M.D.		
	578:14-16	Outside the scope of BSC affirmative designations, Irrelevant (401/402), Implicates FTW issue (Carlson), Needlessly Cumulative (403), Misleading (403), Cause Confusion (403), Unduly Prejudicial (403), Inadmissible for the reasons stated in Defendant's Motions in Limine
Boston Scientific objects to the use of Exhibit 775, which is included in Plaintiffs' designated deposition testimony of Dennis Miller, M.D.		

Defendant's Counter Designations to Plaintiffs' Counter Designations of Dennis Miller, M.D.	
Date of Deposition	Defendant's Counter Designated Testimony
05/23/14	572:4-10
	573:9-574:21
	577:24-578:13
	578:20-579:8

Defendant's Objections to Plaintiffs' Counter Designations of Steven H. Schneider, M.D.		
Date of Deposition	Disputed Testimony	Basis for Defendant's Objection
11/19/14	21:10-21:23	Irrelevant, Postdates Plaintiffs' implantation, Inadmissible for the reasons stated in Defendant's Motions in Limine. If allowed, add to counter designations: 21:24-22:14
	43:20-44:5	Irrelevant, Calls for speculation, Cause confusion, Misleading, and Unduly Prejudicial.
	65:12-68:11	65:16-68:11: Irrelevant, Lack of foundation, Calls for speculation, Cause confusion, and Misleading.
	90:17-91:16	Irrelevant, Calls for speculation, Outside the scope of BSC's designations, Cause confusion, and Misleading.
	93:16-103:18	Irrelevant, Calls for speculation, Cause confusion, Misleading, Unduly prejudicial, and Inadmissible for the reasons stated in Defendant's Motions in Limine.
	103:20-110:5	Irrelevant, Calls for speculation, Cause confusion, Misleading, Unduly prejudicial, and Inadmissible for the reasons stated in Defendant's Motions in Limine.
	110:7-111:2	Irrelevant, Calls for speculation, Cause confusion, Misleading, Unduly prejudicial, and Inadmissible for the reasons stated in Defendant's Motions in Limine.
	111:4-18	Irrelevant, Calls for speculation, Cause confusion, Misleading, Unduly prejudicial, and Inadmissible for the reasons stated in Defendant's Motions in Limine.
	113:7-118:19	Irrelevant, Calls for speculation, Cause confusion, Misleading, Unduly prejudicial, and Inadmissible for the reasons stated in Defendant's Motions in Limine..
	118:24-123:24	Irrelevant, Calls for speculation, Cause confusion, Misleading, Unduly prejudicial, and Inadmissible for the reasons stated in Defendant's Motions in Limine.

Defendant's Objections to Plaintiffs' Counter Designations of Steven H. Schneider, M.D.		
	126:8-126:16	Irrelevant, Calls for speculation, Cause confusion, Misleading, Unduly prejudicial, and Inadmissible for the reasons stated in Defendant's Motions in Limine.
	128:8-128:11	Irrelevant, Calls for speculation, Cause confusion, Misleading, and Unduly prejudicial.
	129:10-130:23	Irrelevant, Calls for speculation, Cause confusion, Misleading, Unduly prejudicial, and Inadmissible for the reasons stated in Defendant's Motions in Limine.
	131:22-132:5	Irrelevant, Calls for speculation, Cause confusion, Misleading, and Unduly prejudicial.
	132:7-132:17	Irrelevant, Calls for speculation, Cause confusion, Misleading, Unduly prejudicial, and Inadmissible for the reasons stated in Defendant's Motions in Limine.
	133:7-134:7	Irrelevant, Calls for speculation, Cause confusion, Misleading, and Unduly prejudicial.
	142:12-144:4	Irrelevant, Calls for speculation, Cause confusion, Misleading, Unduly prejudicial, and Inadmissible for the reasons stated in Defendant's Motions in Limine..

Defendant's Objections to Plaintiffs' Counter Designations of Frank Zakrzewski.		
Date of Deposition	Disputed Testimony	Basis for Defendant's Objection
3/7/14	42:5-42:9	Irrelevant (401/402), Inadmissible for the reasons stated in Defendant's Motions in Limine
	42:10-43:4	Outside the scope of BSC affirmative designations, Irrelevant (401/402), Cause Confusion (403), Inadmissible for the reasons stated in Defendant's Motions in Limine
	45:22-23	Inadmissible for the reasons stated in Defendant's Motions in Limine
	74:6-9	Outside the scope of BSC affirmative designations, Irrelevant (401/402), Misleading (403), Cause Confusion (403), Unduly Prejudicial (403), Inadmissible for the reasons stated in Defendant's Motions in Limine
	74:18-75:8	Outside the scope of BSC affirmative designations, Irrelevant (401/402), Misleading (403), Cause Confusion (403), Unduly Prejudicial (403), Inadmissible for the reasons stated in Defendant's Motions in Limine
	86:15-17	Object to Exhibit 10 as: Outside the scope of BSC affirmative designations, Irrelevant (401/402), Misleading (403), Cause Confusion (403), Unduly Prejudicial (403), Inadmissible for the reasons stated in Defendant's Motions in Limine
	87:3-20	Outside the scope of BSC affirmative designations, Irrelevant (401/402), Misleading (403), Cause Confusion (403), Unduly Prejudicial (403), Inadmissible for the reasons stated in Defendant's Motions in Limine
	90:4-22	Outside the scope of BSC affirmative designations, Irrelevant (401/402), Misleading (403), Cause Confusion (403), Unduly Prejudicial (403), Inadmissible for the reasons stated in Defendant's Motions in Limine
	92:23-93:4	Outside the scope of BSC affirmative designations, Irrelevant (401/402), Misleading (403), Cause Confusion (403), Unduly Prejudicial (403), Inadmissible for the reasons stated in Defendant's Motions in Limine

Defendant's Objections to Plaintiffs' Counter Designations of Frank Zakrzewski.		
	94:8-95:15	Outside the scope of BSC affirmative designations, Irrelevant (401/402), Misleading (403), Cause Confusion (403), Unduly Prejudicial (403), Inadmissible for the reasons stated in Defendant's Motions in Limine
	96:11-17	Outside the scope of BSC affirmative designations, Irrelevant (401/402), Misleading (403), Cause Confusion (403), Unduly Prejudicial (403), Inadmissible for the reasons stated in Defendant's Motions in Limine
	97:5-99:13	Outside the scope of BSC affirmative designations, Irrelevant (401/402), Misleading (403), Cause Confusion (403), Unduly Prejudicial (403), Inadmissible for the reasons stated in Defendant's Motions in Limine
	100:10-102:22	Outside the scope of BSC affirmative designations, Irrelevant (401/402), Misleading (403), Cause Confusion (403), Unduly Prejudicial (403), Inadmissible for the reasons stated in Defendant's Motions in Limine
	127:24-128:11	Object to Exhibit 14 as: Outside scope of BSC affirmative designations, calls for speculation, cause confusion (403)
	134:10-135:6	Inadmissible for the reasons stated in Defendant's Motions in Limine, Irrelevant (401/402), Cause Confusion (403), Unduly Prejudicial (403)
	137:12-138:1	Outside scope of BSC affirmative designations, Inadmissible for the reasons stated in Defendant's Motions in Limine, calls for speculation, cause confusion (403), misleading (403), unduly prejudicial (403)
	192:17-193:1	Object to Exhibit 18 as: Outside scope of BSC affirmative designations, irrelevant (401/402), cause confusion (403), unduly prejudicial (403)
	193:23-194:2	Outside scope of BSC affirmative designations, irrelevant (401/402), cause confusion (403), unduly prejudicial (403)
	199:20-200:17	Outside scope of BSC affirmative designations, irrelevant (401/402), cause confusion (403), unduly prejudicial (403)
	201:14-202:9	Outside scope of BSC affirmative designations, irrelevant (401/402), cause confusion (403), unduly prejudicial (403)

Defendant's Objections to Plaintiffs' Counter Designations of Frank Zakrzewski.		
	203:3-5	Outside the scope of BSC affirmative designations, Irrelevant (401/402), Misleading (403), Cause Confusion (403), Unduly Prejudicial (403), Inadmissible for the reasons stated in Defendant's Motions in Limine
	204:13-205:8	Outside the scope of BSC affirmative designations, Irrelevant (401/402), Misleading (403), Cause Confusion (403), Unduly Prejudicial (403), Inadmissible for the reasons stated in Defendant's Motions in Limine
Boston Scientific objects to the use of Exhibits 10, 14, and 18, which are included in Plaintiffs' designated deposition testimony of Frank Zakrzewski.		

Dated: 07/20/2015

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 20, 2015, I caused the foregoing document to be electronically filed with the Clerk of the court using the CM/ECF system, which will send notification of such filing to the CM/ECF participants registered to receive services in this matter.

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